

HOUSE JUDICIARY SUBCOMMITTEE HOLDS HEARING ON HERSETH SANDLIN TRIBAL LAW AND ORDER BILL

December 10, 2009, Washington, DC-Today, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security held a hearing on Rep. Herseth Sandlin's Tribal Law and Order Act of 2009. The Tribal Law and Order Act is a bipartisan and bicameral initiative to improve coordination between tribal, state and federal law enforcement agencies and increase accountability standards. President Obama endorsed this legislation at the White House Tribal Nations Summit held last month. As the primary sponsor of this legislation, Rep. Herseth Sandlin testified as a witness before the Subcommittee today.

In her testimony before the committee, Rep. Herseth Sandlin said, "Native American families, like all families, deserve a basic sense of safety and security in their communities. Law enforcement is one of the federal government's trust obligations to federally-recognized tribes. Yet, as the tribes across the country know all too well, on many counts, we are failing to meet that obligation and have done so for too many years...While there will be no simple or quick fix, this comprehensive legislation is a step in the right direction. By passing this legislation, we'll make important strides in improving law enforcement in Indian Country during this Congress."

In addition to Rep. Herseth Sandlin, other witnesses providing testimony included Associate Attorney General Tom Perrelli; Marcus Levings, Great Plains area vice president for the Native American Justice Committee, New Town, N.D.; Tova Indritz, chair of the National Association of Criminal Defense Lawyers' Native American Justice Committee, Albuquerque, N.M.; Scott Burns, executive director of the National District Attorneys Association, Alexandria, Va.; and Barbara Creel, associate professor in the Southwest Indian Law Clinic at the University of New Mexico School of Law, Albuquerque, N.M.

To watch a YouTube video of Rep. Herseth Sandlin's testimony, click [here](#).

The full text of Rep. Herseth Sandlin's testimony as prepared for delivery can be found below.

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Statement of Representative Stephanie Herseth Sandlin (As Prepared for Delivery)

H.R. 1924, Tribal Law and Order Act of 2009

House Judiciary Subcommittee on Crime, Terrorism & Homeland Security

December 10, 2009

Thank you, Chairman Scott and Ranking Member Gohmert for holding today's hearing on the Tribal Law and Order Act and for allowing me to testify in support of this important legislation.

As South Dakota's lone member of the U.S. House of Representatives, I have the privilege of representing nine Sioux tribes. The Tribal Law and Order Act is a bipartisan and bicameral initiative to improve coordination between tribal, state and federal law enforcement agencies and increase accountability standards.

Senator Byron Dorgan, chairman of the Senate Committee on Indian Affairs, has introduced nearly identical legislation in the Senate that has been approved by that committee. And President Obama announced at the Tribal Nations Conference in Washington last month that: "I ... support the Tribal Law and Order Act, and ... look forward to Congress passing it so I can sign it into law."

I'd especially like to thank the U.S. Department of Justice and Attorney General Holder for the priority the Department has given to tribal justice issues. The Department held a Tribal Nations Listening Session on Public Safety and Law Enforcement in Minneapolis in October, which, together with the Tribal Nations Summit in Washington and Justice's ongoing efforts to work with Congress to fashion the very best Tribal Law and Order bill, demonstrate the President's and his Administration's commitment to working with the tribes on law enforcement priorities we share in common. I'm very glad to see that Associate Attorney General Tom Perrelli is here today to testify and I thank him for all of the initiative and attention he himself has devoted to

these issues through his career, including speaking at the Listening Session in Minneapolis. I am particularly pleased at his candor that the federal government must do better, and that he has experience working with large, land-based tribes like the Oglala Sioux Tribe in South Dakota.

The federal government has a unique relationship with the 562 federally-recognized American Indian and Alaska Native tribes. This government-to-government relationship is established by our founders in the U.S. Constitution, recognized through hundreds of treaties, and reaffirmed through executive orders, judicial decisions, and congressional action. Fundamentally, this relationship establishes the responsibilities to be carried out by one sovereign to the other.

Native American families, like all families, deserve a basic sense of safety and security in their communities. Law enforcement is one of the federal government's trust obligations to federally-recognized tribes. Yet, as the tribes across the country know all too well, on many counts, we are failing to meet that obligation and have done so for too many years.

For instance, Amnesty International has reported that American Indian and Alaska Native women are more than two and a half times more likely to be raped or sexually assaulted than women in the United States in general. Yet, the majority of these crimes go unpunished.

Moreover, fewer than 3,000 law enforcement officers patrol more than 56 million acres of Indian Country. That reflects less than one-half of the law enforcement presence in comparable rural communities. The situation is particularly challenging for large, land-based reservations in South Dakota and elsewhere.

The kinds of problems that arise include the case of a young woman living on the Pine Ridge reservation who had received a restraining order for an ex-boyfriend who battered her. One night, she was home alone and woke up as he attempted to break into her home with a crow bar. She immediately called the police, but due to the lack of land lines for telephones and the spotty cell coverage, the call was cut off three times before she reported her situation to the dispatcher. The nearest officer was about 40 miles away. Even though the police officer who took the call started driving to her home at 80 miles an hour, by the time he arrived, the woman was severely bloodied and beaten. The perpetrator had escaped.

The Tribal Law and Order Act would improve law enforcement efforts in Indian Country by clarifying the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in tribal communities; it would increase coordination and communication among Federal, State, tribal, and local law enforcement agencies; empower tribal governments with the authority, resources, and information necessary to effectively provide for the public's safety in tribal communities; reduce the prevalence of violent crime in tribal communities and combat violence against Indian and Alaska Native women; target youth prevention by authorizing funding for summer education programs and at-risk youth treatment centers; address and prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and Tribal officials responsible for responding to and investigating crimes in tribal communities.

One example of an improvement the bill would make is the provision for Special Law Enforcement Commissions. Currently, only federal agents such as the FBI can make arrests for rapes on reservations in cases in which the perpetrator is non-Indian. In many cases, those FBI officers can be hundreds of miles from a reservation. A provision in this bill will expand a training program to give Special Law Enforcement Commissions to tribal law enforcement officers. With a Special Commission, a tribal law enforcement officer can be federally deputized to arrest any person on tribal land who commits a federal crime such as rape, murder, or drug trafficking.

The bill also streamlines the process for IHS officials to testify in criminal cases, such as rape or sexual assault cases, before a tribal court. In order for an IHS official or BIA officer to answer a subpoena to testify in court, approval must be given by someone in Washington, DC. The result is that some tribal court criminal cases are dropped because the person who conducted the rape examination or officer who answered the distress call does not show up in tribal court. That would be changed so that if approval is not given within 30 days, the request to testify will be considered approved.

By expanding training programs to grant tribal law enforcement officers authority to arrest all suspects of crime on tribal land and making it easier for IHS experts to testify in court, we can slow the flood of crimes that go unpunished.

While there will be no simple or quick fix, this comprehensive legislation is a step in the right direction. By passing this legislation, we'll make important strides in improving law enforcement in Indian Country during this Congress.

Thank you again for this opportunity to testify on behalf of the Tribal Law and Order Act of 2009, and for helping to advance this important bill on behalf of the tribal communities across Indian Country that are in desperate need of improved law enforcement.

Mr. Chairman, I ask that my written statement be submitted into the record.